very day Patel was absent thinking that it would be passed, but unfortunately it was not done. Then what happened? Then came this reservation. For what? The idea was that Scheduled Caste men should get returned cent. per cent. The idea was that men who could represent the Scheduled Castes should get returned. It was with that idea that this principle was propounded. But what happened? People with no knowledge and experience of things, with no character, were set up against the greatest leaders of the Scheduled Castes in the country. Dr. Ambedkar was defeated twice. The author of the Indian Constitution and a great leader was defeated by Sri Bolkar. At this late, can we ever believe in our Hindu friends who are the people in power and who have enjoyed all the good things in the country and who say that they are the Devatas of this world? These people will never allow the Scheduled Caste people whom they call untouchables to come up. They call the Scheduled Caste people as Sudras. While framing and adopting the Indian Constitution Dr. Ambedkar removed this word Sudra which Manu had perpetrated in his books, but even now those books containing this word "Sudra" are safe in the libraries. They say that it is on account of the sins of your past *karmas* that you are born an untouchable and that you have to remain as such. Every Hindu believes in this. If I ask any Hindu gentleman why he is calling a person untouchable he says: "it is on account of the sins of his past *karmas* that he is born an untouchable". But the Hindus call themselves as Devatas. If this is the mentality and attitude of our countrymen, I do not know how we are going to end these things. There is no hope of salvation unless you do away with the religious sentiments and beliefs of the majority of the people of this country. My friend on the other side Mr. White Cap—I do not know his name—

Mr. SPEAKER.—He was Sri Kothavale.

Sri B. SHAMSUNDER.—I am sorry. He said that Scheduled castes were less in number, that they were in a minority and how could they, then get elected. Certainly, it is for that very same purpose that we wanted all these things. We never believed in the majority. We thought that the majority would never allow us to come into power. It is for that purpose only that we wanted all these things. We do not want anything gratis from them. Now it is no use relying on them for what we want. We have tried that.

Mr. SPEAKER.—I think it is time now. You can continue your speech tomorrow morning.

Half-an-hour Discussion on Q. No 129 re: Overtime Allowance to Government Servants.

†Sri M. C. NARASIMHAN (Kolar Gold Fields).—Sir, the motion that I want to raise is a very simple issue which had come up repeatedly before the Mysore Legislative Council and also the Mysore Legislative Assembly and it is only in pursuance of what has happened previously that I am trying to raise this discussion. There is also another important issue involved in this and that is the reason why I particularly thought it necessary to raise this half-an-hour discussion. I wish the Finance Minister had been here because he answered the question the other day, but anyway since the Chief Minister is here I believe he will be able to give us some clarification and assurance in regard to this matter. I want to make it clear that this should not be looked at from a very narrow angle, but the the Chief Minister and the Government must look at it from a larger angle and see that proper justice is done to this particular issue. The issue that I want to raise pertains o the question of granting overtime allowance so far as our Legislature staff is concerned. I believe there are no more than 100 persons involved in this and if the Government were to concede this overtime allowance to these people who are called upon to work day and night and who work day and night, it will not be a very big burden on the State Exchequer.

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Apart from that, I would like to submit by way of justification of this demand, that there is discrimination practised by Government in respect of this particular staff. There are other Secretariat personnel who admittedly are getting this overtime allowance. The other Secretariat personnel who are loaned from the Secretariat and who come here on account of the pressure of work are definitely granted this overtime allowance and so there is no valid reason why this particular section should be refused this allowance.

Secondly, Sir, till 1952 the Legislature staff was being paid this allowance. So there is a precedent for this demand. The very fact that such an allowance was considered necessary in the interests of efficiency, in the interest of keeping the Legislature Secretariat staff sufficiently enthusiastic about their work, *prima facie* proves beyond any reasonable doubt that the claim is very just and that there is no necessity to advance any further argument in this behalf from the Report of the Second Central Pay Commission. The Central Pay Commission has definitely made a recommendation that all overtime work in excess of 45 minutes should definitely be compensated by a sort of overtime allowance. The report of the Committee for Rationalisation of Allowances appointed by the old Mysore Government also has admitted this in principle. They say: "The fixing of special pay for these selected posts has to be recognised in principle". I do not want to quote anything more from this Report, but I would only say that the claim of the Legislature Staff is quite just and that no rational reasoning can be advanced against it. The only reason that the Finance Minister was pleased to give the other day was that it was stopped in 1952. He pleaded ignorance as to why it was stopped. He must have known the reason because fortunately or unfortunately he happened to be a member of the House then. At that time the Education Minister Sri Ramchandra Rao definitely gave an assurance on the floor of this House that he would look into the matter. I have looked into the Legislative Council proceedings and also the Legislative Assembly proceedings in this regard. It is definitely written there that the Minister assured that the matter would be treated with sympathy.

Sri V. Venkatappa, the Chairman of our Council, raised this issue and when he raised this issue, he did it on a fundamental principle, namely, the independence of legislature. The Minister assured the House that he would not come in the way, that he would not do anything that would come in the way of the independence of the Legislature It is three years since that solemn assurance was given on the floor of this House. So far nothing has been given. On the other hand, it is said that a committee has been constituted and we should not embarrass either the Speaker or the committee. Rightly or wrongly, I feel, a committee of this nature is not what is required. If this committee formed in the name of rationalisation of allowance were to take into account the statement of the Legislature Secretariat staff also, necessarily the representation of that Secretariat ought to have been there, not because it is a department, but for one simple reason, that it is a Constitutional problem; this has raised a fundamental issue. Sir, repeatedly the Chairman of the Legislative Council and the Speaker of the Legislative Assembly have brought this to the notice of the Government that this matter should be treated with due urgency and this matter should be taken up very seriously. What has happened to the representation made? What has happened to the recommendations made by the Presiding Officers? If the recommendations of the Speaker and the Chairman are not given due regard, I would like to ask the Government, with what seriousness and with what sincerity they treat the House.

Sir, you are aware of the article 187 of the Constitution. I will not read the provision because you are well aware of it. It has been clearly laid down that the Legislature Secretariat shall be separate. You are very well

aware, Sir, so far as the British Parliament is concerned, the Clerk of the House is an appointment made by the Queen or King and he shall be removed only on the recommendation of the Speaker. So far as our Secretariat is concerned, the Secretary is at the mercy of the Government and I am really astonished to see that the Speaker and the Cbairman or the Secretary should go with begging bowls to the Finance Minster for every small thing. Are we not Committing a fraud on the Constitution? Again, coming to article 187, it definitely makes the Speaker, the Chairman and the Secretariat supreme. Is the Government prepared to accept that position? Even in the High Court, according to the Constitution the staff of the High Court cannot be meddled with in any way by Government. I do not see the difference between the Speaker's position and that of the High Court. We cannot meddle with the affairs of the High Court. We cannot say anything with regard to the High Court staff. When that is the position of the High Court, what prevents the Government to let the same procedure prevail in the Legislature Secretariat? If this is not so, these provisions are there merely because they are in the other Constitutions like the American or Canadian Constitutions, from which we have taken these provisions. Sir, it is repeatedly said that the Legislature Secretariat should be independent. If there is no independence, how can we be certain that process of legislature will go on satisfactorily? Sir, even if you were to give a ruling. if we should look to Government or the Chief Minister, then there is no independence at all. If there is no financial independence, there is no other independence.

Mr. SPEAKER.—Sri Narasimhan, I am not afraid of anybody when I give a ruling.

Sri M. C. NARASIMHAN,—I know it fully well, Sir. I am not suggesting it. My point is, if there is no financial independence, I would like to know, in what way the Legislature can be really independent? The Octopus hand of Government is there on the Legislature Secretariat, it is there on the Speaker and is there on the Chairman. If not, why the recommendations of the Chairman and the Speaker were not implemented? Sir, I am not convinced of the arguments advanced by Government. In 1952, the allowance was stopped because there was deficit budget. That is not the position today. We have a surplus budget. In fact, the Government do not want to bring any taxation measure. When this is the position, I would like to know, why the recommendations are not implemented. I would suggest in all humbleness and in all humility that instead of leaving this to be decided by a so called committee, the Government may implement your recommendations straightaway. They need not answer me; if they answer you, I am fully satisfied. This Secretariat should be put on a par with the other staff which are already drawing these allowances, for instance, the Inspector General's Office. Sir, I need not say that the staff of the Legislature Secretrriat are called upon to do more work than in the normal time; they are really doing so.

Sri J. H. SHAMSUDDIN (Deputy Minister for Finance).—Sir, I am thankful to the the Hon'ble Member for raising this important question. I am one with him so far as the independence of Legislature is concerned. I am really sorry that he tried to bring in considerations which were not really germane to the issue. The question of over-time allowance has to be regulated by certain principles and standards. Even the Central Pay Commission has laid down certain principles which should be followed by the Central Government while giving over-time allowance. There are diverse ways so far as this is concerned. Every day claims and demands are coming from the departments concerned to the Finance Minister that each of the department requires over-time allowance on account of certain factors which go to make their work a little hazardous and arduous. So, Government thought it fit to examine the whole position and therefore appointed a committee consisting of the Financial Secretary, the Deputy Secretary to

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Finance, the Revenue Secretary, the Secretary for Planning and the Secretary for Commerce and the Deputy Minister for Finance as the Chairman. The Committee is seized of the matter and the whole question is being examined on a rational basis. Government want to evolve a rational and a reasonable standard for awarding this overtime allowance as a special pay. So, when the matter is before that Committee, I think, it is not proper on my part to discuss the question of the Legislature Secretariat now. Government is as sympathetic, rather more sympathetic in this matter than the member himself. I know the claim of the Legislature Secretariat staff will not be fulfilled by lip sympathy as shown by the Hon'ble Member. If a Member of Government, to whatever department he belongs, is called upon to give extra energy and is called upon to serve for longer hours than he does normaly then naturally Government should compensate him. But, Government should deal with all the departments in an equitable and just manner. Though Government has full sympathy, it cannot go on transferring its sympathy in financial matters. Action taken in a particular department becomes a preedence to other departments and arguments advanced in the case of that department will be twisted in favour of other departments also.

Sri M. C. NARASIMHAN.—The Legislature Secretariat is not one of your Departments.

Sri J. H. SHAMSUDDIN.—Even if we take the question of High Court it is independent of all other Departments and they can plead that their staff also should be paid overtime allowance. In that case, the analogy of independence as advanced by the Hon'ble Member himself has greater force with reference to the Chief Commissioner than perhaps in the case of Legislature. Therefore, if we go on analysing these facts that are generally put in claiming allowance, the Government will be put in an embarrassing position. Therefore, Sir, the Government will consider quite sympathetically, having regard to all the factors relating to this particular case, and decide the case rather quickly. My friend has got an apprehension that this Committe will dilly-dally the matter. The Committee is trying to expedite the question and come to a settlement of the issues involved. The time given was three months. I think it has expired. The Committee is not now sitting because the House is in session. The problem is so complicated that it is not so easy. Not only we are concerned with financial consideration alone, but there are human and other considerations as well. Therefore, the Committee has to take into consideration all aspects, financial, and political as well, because you say it deals with the independence of the legislature; and the independence of the legislature is a political consideration.

Mr. SPEAKER.—It is not political.

Sri J. H. SHAMSUDDIN.—I am sorry, constitutional. There are economic, financial, constitutional, psychological and human elements in it.

Mr. SPEAKER.—Political philosophy is one thing. But politics is another.

Sri J. H. SHAMSUDDIN.—The Committee of which the Deputy Minister for Finance is a Member, is taking rather quick steps to evolve a formula by which I think the greatest number of people, if they put in extra work, will be satisfied. I think the claim of the Legislature will in no way be overlooked in any manner.

Sri M. C. NARASIMHAN.—You are already giving such allowance to members of the staff in the Secretariat.

Sri J. H. SHAMSUDDIN.—That was cited as a precedent. Floods of claims are coming in. Therefore, we want to evolve a standard for rationalisation of these allowances.

Mr. SPEAKER.—The House will now rise and meet tomorrow at 8-30 A.M

The House adjourned at Twenty-five Minutes past Six of the Clock to meet again at Thirty Minutes past Eight of the Clock on Saturday, the 19th December 1959.

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